

U.S. Serial No. 10/664,761
Amendment dated January 30, 2006
Reply to Office Action of September 29, 2005

REMARKS/ARGUMENTS

Responsive to the Official Action mailed September 29, 2005, applicants have amended the claims of their application in an earnest effort to place this case in condition for allowance. Specifically, independent claims 11 and 23 have been amended. Reconsideration is respectfully requested.

In the Action, the Examiner rejected the pending claims under 35 U.S.C. §112, noting certain claim language which was considered to be unclear. By this response, applicants have revised the pending claims in response to the Examiner's comments. In this regard, claim language such as "intrudes upon" and "is presented at the surface of the first layer" will be readily apparent to those skilled in the art, in light of applicants' specification. The present invention contemplates that layers exhibiting differing aesthetic qualities can be united, by hydroentanglement, such that portions of a second layer of a laminate construct are urged into portions of a first layer thereof, such that portions of the second layer are "presented" at the surface of the first layer. As will be appreciated, "presented" does not necessarily require that portions of the second layer extend all the way through the first layer, but rather, may be more visible through certain portions of the first layer than other, surrounding regions thereof, which surrounding regions are of a relatively greater density.

In the Action, the Examiner has rejected the pending claims under 35 U.S.C. §102, with reliance upon German Patent No. 1995657, with reference to its English equivalent, U.S. Patent No. 6,487,762. This rejection is respectfully traversed.

U.S. Serial No. 10/664,761
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Applicants note that the cited German application was published on May 31, 2001, subsequent to applicants' priority filing date of June 23, 2000. Accordingly, it is believed that the rejections based upon this reference should be withdrawn.

In the Action, the Examiner rejected claims 23, and 30-33 under 35 U.S.C. §102(b), with reliance upon German Publication No. 19956571, with reference to the English equivalent, U.S. Patent No. 6,300,257, to Kirchenberger et al. However, as set forth in the pending claims, it is respectfully submitted that applicants' novel laminate construct is clearly patentably distinct from this reference, and accordingly, the Examiner's rejection is respectfully traversed.

As noted above, applicants' invention contemplates a novel method for forming a uniquely configured laminate construct wherein plural layers of material are subjected to hydroentanglement, whereby portions of one layer are displaced into the other layer, altering its exterior appearance. There is clearly no teaching or suggestion of a laminate construct having these structural features in the cited Kirchberber et al. reference.

This reference contemplates extrusion-coated nonwoven sheeting, wherein a nonwoven layer has an extruded-coated polymer applied to one surface thereof. At column 1, line 59 *et seq.*, Kirchenberger et al. states:

It is an object of the present invention to develop nonwoven sheeting with a thin polyolefin coating, which has a large number of pores with a very small pore diameter and are suitable for use in the hygiene area, and the area of medicine, in the textile and clothing industry, in the automobile industry as well as in construction.

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At column 2, line 4, *et seq.*, Kirchenberger goes on to specify that "the extrusion coating of polyolefins [have] . . . a white crackling cloudiness of 0.1 to 5%".

Kirchenberger contemplates that "the white crackling cloudiness [is] achieved by stretching, particularly by longitudinal stretching (column 3, lines 1-3).

Applicants' study of this reference shows *no recognition* of providing first and second layers which vary in aesthetic qualities, as claimed, nor any teaching or suggestion of creating a structure wherein one layer *intrudes into*, that is, is displaced into, the other layer.

Applicants respectfully refer to M.P.E.P. 2143.03, which specifically admonishes that "all claim limitations must be taught or suggested by the prior art". In absence of such it is respectfully maintained that the rejection based upon Kirchenberger should be withdrawn.

In view of the foregoing, formal allowance of claims 11, and 23-33 is believed to be in order and is respectfully solicited. Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage at First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **January 30, 2006**.

